

## INDIVIDUALS

IN49

Pat Schumacher  
Bureau of Reclamation  
835 E. Second Ave. Ste 300  
Durango, Colorado 81301-5475

Dear Mr. Schumacher:

I am writing to you with reference to the Animes-La Plata project. After reviewing the pro + cons, my conclusion is that the project should be cancelled immediately. This project is a boondoggle of immense proportions.

I am both a property owner + a registered voter in La Plata County.

Thank you for reading my comments

Sincerely, James Z Hamilton  
589 CR 300 Durango CO 81301

IN49-1 Comment noted.

# INDIVIDUALS

IN50

April 16, 2000

Mr. Pat Schumacher  
Four Corners Division Manager  
835 East Second Ave. Suite 300  
Durango, CO 81301-5475  
alpdseiscomments@uc.usbr.gov

Mr Schumacher,

The following are comments that I would like to offer regarding the latest of a historically long stream of proposals for the Animas-LaPlata Project. In the 1970s, when I first responded to an earlier version of this project, it never occurred to me that 25 years later, after numerous ground-breaking ceremonies and other false starts, that this would still be an issue.

1

The proposals were flawed then; they remain flawed today. This most recent proposal presents itself as providing municipal and industrial water. For what? I believe that the DSEIS fails to present any municipal and/or industrial water needs sufficient to justify this project. This project would significantly deplete seasonal water flows in segments of the Animas River and create a reservoir where none exists now.

IN50-1 Refer to General Comment No. 6 for a discussion of the rationale for discussing future water uses in the FSEIS.

2

I recognize that the Ute tribes have a legitimate water right. But this is not an appropriate way to meet those obligations. Water to meet the Utes' claims should be purchased elsewhere. It is unfortunate that these water claims were politically tied to the development of the ALP. However, there is always time to start over and do it right. For decades the project, and its proponents have been an embarrassment to many of us living in southwestern Colorado.

IN50-2 Comment noted. The discussion in the FSEIS of Refined Alternative 6 includes the purchase of land and water as part of an alternative to meet the water needs of the Colorado Ute Tribes. On balance, it was less environmentally preferred than Refined Alternative 4.

Increasingly, I would hope that one of the major roles of the Bureau of Reclamation will be to dismantle, reclaim, and mitigate the negative effects of the many ill conceived projects that have been built during the 1900s. The era of dam building and major water storage and transport projects is hopefully a thing of the past century.

Fred Harden

P.O. Box 962  
Dolores, Colorado 81323

# INDIVIDUALS

IN51

From: "Chip Head" <thead@cyberport.com>  
To: <ALPDSEISComments@uc.usbr.gov>  
Date: 3/14/00 8:39PM  
Subject: Concerned taxpayer

My vote is against ALP for the following reasons:

\* As a professional geologist who has lived, worked and recreated in this area for over 25 years, I am convinced that diverting water from the Animas River will have serious negative impact on the wetlands and riverine environment it supports. As an avid boater, I have intimate knowledge of the drainage, and it is apparent to me that human meddling will change this precious resource.

\* The Ridges Basin "Reservoir" site is highly fractured Lewis Shale as part of the Hogback, and will consume much of what you intend to store, which makes no sense considering how precious each and every snowfall is to our area.

\* Do not run the wildlife out of Bodo State Wildlife area! They are already under incredible pressure from development on every semi flat piece of ground in the county!

\* Waste of taxpayer dollars: Here we go again- the cost to benefit of this boondoggle is atrocious, even by government estimates.

Let's pull the plug on this turkey! Consider non structural alternatives! Say no to special interests!

IN51-1 Comment noted.

IN51-2 The Lewis shale is highly weathered and fractured within 10-20 feet of the surface in Ridges Basin valley, and becomes slightly weathered to fresh below depths of 10-40 feet. The Lewis Shale, as well as the Cliff House Sandstone have very low permeability based on rock types and drill hole packer tests. Several potential reservoir seepage paths were studied (Geologic Design Data Report G-500, 12/92) and results indicated losses will be small and will normally only involve seepage through dam abutments at less than 50 gallons per minute.

IN51-3 Refer to General Comment No. 11 for a discussion of the elk community in Ridges Basin.

IN51-4 Refer to General Comment No. 2 for a discussion of project costs.

## INDIVIDUALS

IN52

**From:** "Eric Hickerson" <ehickerson@fms.k12.nm.us>  
**To:** <ALPDSEISComments@uc.usbr.gov>  
**Date:** 2/8/00 9:01AM  
**Subject:** Alt. #6

To whom it may concern:

As a tax paying citizen in La Plata County, I would like to voice my concern for the upcoming events dealing with The Animas/La Plata Project. This project does not benefit the community in any way, shape, or form. Not only does it impact the wildlife, who have no voice, but it impacts the community in a negative way. Durango is a tourist town and it's economy is based on this. Another 2 power plants and a pump station will be unsightly and hinder the local economy. As a starving raft guide in Durango, I feel that the decrease in water flows will greatly impact our product and could eventually put some of us out of work. I implore you to consider Alternative #6. Do not let the ALP happen, Please!

Sincerely,  
Eric Hickerson

- 1 |
- 2 |
- IN52-1 The Preferred Alternative would provide both short and long-term benefits to the local community and regional economy from project construction, recreation, and potentially from future development of water uses by the Colorado Ute Tribes (see Section 3.12).
- IN52-2 Refer to General Comment No. 8 for a discussion of recreational impacts and mitigation measures for the Animas River.

1 |

**From:** "Karen Hickerson" <khickerson@infoway.lib.nm.us>  
**To:** <ALPDSEISComments@uc.usbr.gov>  
**Date:** 2/9/00 1:30PM  
**Subject:** Choose Alternative 6

I was a resident of Durango for over 10 years, and a frequent user of the river. I now live in Farmington New Mexico and am still a frequent animas River user in both Durango and Farmington. ALP will not help the Durango area, it will only hurt it. The species that use the river and the corridor for migration have a right to it. We can not continue to build dams and power plants just for the sake that a long time ago it was said it will be built. Do not forsake the beauty and diversity of Durango and the Four Corners for some golf courses. It is not right!

IN53-1 Comment noted.

# INDIVIDUALS

IN54

**From:** "Jack Hinshaw" <azjackh@hotmail.com>  
**To:** <ALPDSEISComments@uc.usbr.gov>  
**Date:** 2/11/00 6:41PM

I am writing to voice my opinion against the A-LP project. I am familiar with the consequences and benefits of the project, and I believe the consequences tremendously outweigh the benefits. I grew up in Durango and have been a raft guide on the Animas river for the past 10 years and I have seen the joy and tranquility on the faces of the passengers that comes from being on the river. I understand that the pump will be placed a few hundred yards below smelter rapids and will essentially wipe out all rafting and kayaking excursions. I cannot begin to tell you how fantastic working and being on the river is/was while I was growing up. I have seen people conquer their fears and regain their lost peace of mind while on that river.

You will be doing thousands of people a huge disservice by taking away the water flow, not to mention the thousands of elk and deer that will be disturbed by the reservoir. Many tourists (30 thousand plus) come to Durango solely for the river and the rafting and kayaking, therefore to take that away will hurt the community economically as well.

The project is not a good idea at all, and whoever believes that a casino-resort, a dude ranch (which there are plenty already) and a couple of power plants are worth destroying the place which many people consider a sanctuary and separates Durango from all the other tourist towns, is certainly not in it for the towns' sake and is only in it for the money. Don't ruin the one thing that brings so much joy and peace to so many people. Do the right thing! No on the project!

Sincerely,  
Jack Hinshaw

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IN54-1 See General Comment No. 8 for a discussion of recreational use and impacts.

IN54-2 General Comment No. 10 provides further information on hydrology and the impact of the ALP Project on the Animas River flows. The potential impacts to the elk herd at Ridges Basin are discussed in General Comment No. 11.

IN54-3 There have been a number of detailed socio-economic analyses completed on this project, all of which indicate a positive impact to the local economy. While a high percentage of income to Durango is derived from tourism, there is no indication this approaches near 80% of all revenue. With respect to the impacts to the rafting industry, please refer to General Comment No. 8 for a discussion of the potential impacts to recreation from the project. As discussed in Chapter 3.12 of the FSEIS, this would be an average loss of \$67,675 per year to the commercial rafting industry. To put this amount into perspective, the estimated county-wide direct base income from tourism receipts in 1999 was \$130,000,000. The impact due to loss of commercial rafting user days on the tourism receipts of the county would be less than 0.01%. It is estimated that the physical construction of Ridges Basin and support structures will have a seven-year build out period and will create 878 direct, indirect and induced jobs (see Chapter 3.12). Based on the size of the local labor force, and the amount of workers who would be involved in the construction of the ALP Project, there would be a potential for an approximate 3.65% increase in the local labor force. Reclamation does not believe this will result in significant stresses to local social services.



# INDIVIDUALS

IN55

From: <EMHolland@aol.com>  
To: <ALPDSEISComments@uc.usbr.gov>  
Date: Tuesday, January 25, 2000 4:39:29 PM  
Subject: No Subject

Pat Schumacher  
Bureau of Reclamation  
835 E. 2nd Ave. Durango, CO 81301

Re: Draft Supplemental EIS for the Animas La Plata project on the Animas river at Durango Colorado

I recently visited southwestern Colorado including Silverton and Durango, and was struck by the rugged beauty of the area. While there, I learned of the plan to build a dam in the Ridges Basin and and pumping plant on the Animas River. I am opposed to the Preferred Alternative for many reasons:

- 1 | -Harm to wildlife by habitat loss, blocking migration pathways and concentration of toxics in reservoir water.
- 2 | -Irreversible loss of recreational opportunities and scenic value on the Animas River due to reduced river flow levels.
- 3 | -Waste of taxpayers' dollars to build an unnecessary dam which will incur continuing waste in annual operating cost.
- 4 | -Ongoing waste of diminishing energy resources and environmental pollution from power required to pump water uphill to the new reservoir.
- 5 | -This appears to be an ill-conceived and short-sighted project which will benefit a few, at the cost of irreversible loss to future generations.

Please consider instead ALTERNATIVE #6, THE ANIMAS RIVER CITIZENÆS CONCEPTUAL ALTERNATIVE. According to Taxpayers for the Animas River, existing water rights can be purchased and transferred to the Ute Indian tribes with a lower cost to the government and without a dam. Follow this alternative to protect and preserve environmental, wildlife and scenic values for the future.

Respectfully,  
E. M. Holland  
Mill Valley, California

- IN55-1 The FSEIS identifies the impact of the loss of wildlife habitat and recommends mitigation to compensate for this loss in Section 3.5.4. Refer to the response to General Comment No.11 for a discussion of potential impacts to elk, and General Comment No. 5 for a discussion of bioaccumulation concerns.
- IN55-2 Please refer to General Comment No. 8 for a discussion of potential recreational impacts.
- IN55-3 Refer to General Comment No. 2 for a discussion of project cost concerns.
- IN55-4 Refer to General Comment No. 3 for a discussion of project operation and energy efficiencies. The selection of Refined Alternative 4 over Refined Alternative 6 is based on many factors and reasons for this selection are described in Chapter 5.

# INDIVIDUALS

IN56

Jan Holt 2910 Junction Street Durango, CO. 81301 (970) 382-8840

TO: Mr. Schumacher-Bureau of Reclamation RE: Animas La Plata Project

1 | First, let me say I am distressed that those working to halt this  
2 | structural project have been deliberately thwarted in their efforts to  
get complete and accurate information on it. Also, why are we still  
taking public comment, when Babbitt and some in Congress have decided  
to approve the project, possibly with "sufficiency language"? Perhaps  
legal and rational arguments will eventually prevail against ALP-Lite,  
and instead favor Alternative #6, which I support. But at present,  
reason and law have been ignored. Please consider the following:

IN56-1 Comment noted.

IN56-2 Comment noted.

3 | Since costs far outweigh benefits, I believe that alternatives to the  
Bu Rec's should be considered. Most troubling is the huge costs to  
taxpayers. Though actual water uses are unclear at present, it seems  
that taxpayers will subsidize golf resorts, municipal and industrial  
water, and continuing, ongoing costs for maintenance, operations, and  
energy consumption to power pumps. (This is NOT an Indian project.)

IN56-3 Refer to General Comment No. 2 for a discussion of project costs.

4 | In addition, the lists of possible water uses is speculative, which  
violates laws such as, state law, the Clean Water Act, Colorado River  
compact agreements, and laws defining changes in uses of water.

IN56-4 Refer to General Comment No. 6 for a discussion of potential water uses.

5 | As for the environment and land in La Plata County, the construction  
and changes in Ridges Basin and in areas where delivery systems might  
be built, and construction of a power plant and strip mine, will  
further negatively impact wildlife, habitat, air quality, and water  
quality - things already deteriorating from pressures of growth. I am  
concerned for Durango and Mesa Verde in particular, but quality of  
health and life in the county would deteriorate. I am concerned about  
water levels and temperatures in the San Juan and Animas and the  
future of endangered species, trout fisheries, whirling disease,  
uranium wastes, and whitewater recreation. None of these risks and  
changes associated with the proposed Bu Rec project are necessary.

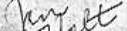
IN56-5 Comment noted.

6 | The Ute Indian water claims can be realistically and reasonably met  
through land purchases with water rights, that would then be  
transferred to the tribes. This is the way to go, instead of water  
speculation, environmental degradation, and continuing taxpayer costs  
and subsidies for a structural alternative. Even paying each tribal  
member a share of the present ALP proposal costs of over \$420 million  
makes more sense than proceeding with this boondoggle.

IN56-6 The purchase of land and water rights to meet water needs were evaluated, but  
there are significant environmental, socioeconomic and reliability concerns with  
a non-structural alternative.

7 | Also, it was my understanding that the scope of Bu Rec's preparations  
of a FSEIS had to be limited to settling Ute water claims. There is no  
need for, then, or reason for this water project with a dam and other  
structures at present. The Utes still maintain their rights even if  
this particular Bu Rec plan is not implemented. The Utes certainly  
deserve and have a right to their water, but not the way Bu Rec  
proposes. Non-structural alternatives have not been seriously studied,  
laws are ignored, impacts on river users underestimated, and potential  
industrial and municipal needs overestimated. Federal taxpayers should  
not be responsible for our water development, and there is no need now  
anyway. I repeat, non-structural alternatives that would satisfy Ute  
water rights have not been seriously addressed. Let's do this first,  
and not move into this boondoggle with blinders on, simply because  
this is an Indian claim. Their water rights won't vanish.

IN56-7 The Settlement Act was intended to resolve outstanding water rights claims and  
provide "wet water" to the signatories. The No Action Alternative does not  
meet the Government's obligation to the Colorado Ute Tribes.

Sincerely,  Jan Holt 2/18/00



# INDIVIDUALS

IN57

**From:** "Andrew T. Holycross" <holycow@asu.edu>  
**To:** <ALPDSEISComments@uc.usbr.gov>  
**Date:** 1/29/00 12:57PM

Pat Schumacher  
Bureau of Reclamation  
835 E. 2nd Ave.  
Durango, CO 81301

Dear Mr. Schumacher:

I urge you to consider the following observations and recommendations when preparing the FSEIS for the Animas La Plata Project:

1) The Bureau has not adequately assessed the practicality of non-structural alternatives to its Preferred Structural Alternative. Adequate water can be made available through a combination of improvements in the efficiency of irrigation and delivery systems, the coordinated operation of existing reservoirs, and land-water rights purchases.

2) Negative impacts on wildlife and endangered species preclude the implementation of the Preferred Alternative. Especially worrisome are the detrimental impacts to the endangered Colorado pikeminnow and razorback sucker. In addition, significant concerns of bioaccumulation exist for the bald eagle and other fish eating raptors. The reservoir will also eliminate a major elk migration corridor and large wintering range for resident elk.

3) As a kayaker I believe effects on other river users are downplayed and underestimated in the Bureau's evaluation.

4) Regional municipal and industrial needs are vastly overestimated in the DSEIS. The Preferred Alternative would supply enough water for another 200,000 people in the Project area. This amount of growth is not likely or desirable for the region. Clearly no current or near-term demand exists to justify this huge quantity of M&I water. Restricting municipal water use is not adequately evaluated as an alternative strategy.

In preparing a FSEIS the Bureau must revise the Project scope and limit it to the settlement of Ute Indian water rights claims, as quantified in the 1986 Settlement Agreement. These water rights can be met WITHOUT the structural component of a dam in Ridges Basin reservoir and without large

IN57-1 Several non-structural alternatives were evaluated in detail in Chapters 2, 3, and 5. Reclamation considered the practicability, potential environmental impacts, feasibility and risk of each alternative, as well as the ability to meet the project purpose and need. Reclamation's findings for each of these alternatives are described in the FSEIS. We found, that adequate water could be made available to meet the water needs of the Colorado Ute Tribes from several of the alternatives. However, the varying ability of each alternative to supply the necessary water with adequate reliability, as well as minimizing the potential environmental impacts, were key determining factors in making our recommendations. Results from improvements in irrigation system efficiency show that this is not a viable solution. Please refer to Chapter 2, for a discussion on the irrigation systems improvements. The coordinated operation of existing reservoirs and land-water right purchases have been incorporated into Refined Alternative 6, a non-structural alternative, with a description of the results provided in Section 2.5.2.

IN57-2 Refer to General Comment No. 5 for a discussion of bioaccumulation, and No. 11 for elk migration issues and mitigation.

IN57-3 Refer to General Comment No. 8 for a discussion of potential impacts and mitigation to recreation on the Animas River.

IN57-4 Refer to General Comment No. 12 concerning growth in the project region and projected future water needs and uses.

IN57-5 An alternative as suggested was developed as Alternative 8 and evaluated. This evaluation is discussed in Chapter 2 of the FSEIS. While the primary purpose of the ALP Project is to satisfy the water right claims of the two Colorado Ute Tribes, it also has as a purpose the development of M&I water for local communities. Water allocations for the Navajo Nation, ALPWCD, and SJWC have been a part of the ALP Project since its inception.

5  
(con't)

depletions from the Animas river. Regional municipalities should be responsible for independent development of area water resources.

\*\*\*\*\*  
Andrew T. Holycross  
Department of Biology  
Arizona State University  
Tempe, AZ 85287-1501

holycow@asu.edu

Phone: 480-752-3706  
FAX: 480-965-2519  
FAX: 480-965-0362  
\*\*\*\*\*

## INDIVIDUALS

IN58

**From:** <Madina63@aol.com>  
**To:** <ALPDSEISComments@uc.usbr.gov>  
**Date:** 4/4/00 1:44PM  
**Subject:** Animas-Plata

I am writing to request that Alternative 6, the Animas River Citizen's Coalition Alternative, be considered over the Bureau of Reclamation's project to dam the Animas-La Plata River.

As a Coloradan, I am opposed to precious water being wasted on development and golf courses in the guise of an Indian Treaty. Alternative 6 would enable the Ute Tribe's checkerboard land management system be met and would be more in keeping with the intent of the original treaty.

Please save the Animas-La Plata!

Sincerely,

Dina M. Horwedel  
Longmont, CO

IN58-1 Comments noted. One of the driving forces behind the ALP Project is the obligation of the federal government to meet the requirements to the Colorado Ute Tribes as codified in the Settlement Act.

# INDIVIDUALS

IN59

Patrick Huber  
P.O. Box 167  
Florissant, CO 80816

Dear Bureau of Reclamation:

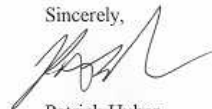
I am writing to voice my opposition to the proposed Animas - La Plata Project. As a lifelong resident of Colorado, I have seen firsthand the effects of overzealous development of our precious natural resources. This project would only accelerate the degradation of the already overgrown desert region of Southwest Colorado.

While I feel that the Utes should be compensated in some way for the gross injustices of the past several hundred years that have left their community impoverished, this project would not be the means to do so. Once the reservoir and pumping infrastructure are in place, it is up to the Utes to find the substantial sums to move the water to where it would be used. All Ute water uses outlined in the DSEIS are speculative. In all likelihood, the impounded water would simply be sold to non-Ute interests in the Durango area. Even if this scenario does not come to pass, much of the project water is currently slated for use by several non-Ute entities, including the Animas-La Plata Water Conservancy District and the San Juan Water Commission. I resent my tax dollars being used to subsidize yet more growth that already is the number one environmental problem faced by the state of Colorado. While we work in one area to address the many problems of growth, we turn around and encourage it elsewhere. This is untenable policy.

The infrastructure being proposed by this project also contributes to environmental degradation in other ways. The area inundated by reservoir water would flood many acres of wetland, another of our rapidly dwindling but extremely valuable and necessary ecological components. Elk and deer habitat would be lost. Species such as golden eagles would be affected by the flooding of this land. Even valuable archeological sites, both historic and prehistoric would be lost to the water. The pumping from the Animas River itself would reduce already lowered flows. We are putting yet more strain on an already taxed ecosystem. Rivers are the lifeblood of the deserts; we need to be better stewards with these critical arteries. While we are attempting to preserve Colorado pikeminnow and razorback sucker populations downstream, we are proposing the removal of a substantial portion of the water they need upstream. This makes little sense.

We don't need another reservoir filled with nonnative trout to serve as a playground for those with motorboats. We already have more than enough in the general area. What we do need is a relatively healthy, free-flowing river to hopefully continue the ongoing ecological processes of Southwest Colorado. The Ute tribe deserves the water that has, along with much else, been taken from them in past generations. We need to find more benign, feasible means to do this. The Animas - La Plata Project is nothing but a destructive waste of money. Please stop this project.

Sincerely,



Patrick Huber

IN59-1 Refer to General Comment No. 6 for a discussion of future water uses.

IN59-2 Refer to General Comment No. 2 for a discussion of project costs.

IN59-3 Comments noted.

IN59-4 Pumping from the Animas River would take place primarily during the high flow months when the impact is the least. Even in these months, the impacts are small. Animas River flows below Basin Creek are actually enhanced during some periods of low flow by releases to downstream demands.

IN59-5 Refer to General Comment No. 9 for a discussion of potential impacts to threatened and endangered fish.

## INDIVIDUALS

IN60

**From:** Stephanie Hunsinger <shunsing@frontier.net>  
**To:** <ALPDSEISComments@uc.usbr.gov>  
**Date:** 2/27/00 10:28AM  
**Subject:** No alp

1 |

To Whom It May Concern,  
I am opposed to the Animas La Plata Project. I feel that we need to look at other alternatives for meeting our obligation to the Native American people. This project is not in the best interest of our community.  
Thankyou, stephanie Hunsinger

IN60-1 Comment noted.



## INDIVIDUALS

IN61

879667.130 Hesp. S 1326

My name is Laurence Huntington. I am a third generation rancher in the La Plata River Drainage, and I have been ranching for six decades. Half of that time I have been operating under the hope that the Animas-La Plata project authorized by Congress in 1968 would make water available for irrigation. Having an adequate supply of irrigation water would have enabled me and my heirs to continue ranching, maintaining the open spaces which characterize the area.

As anyone can see with a brief glance at the preferred alternative in the EIS we are discussing tonight, this is no longer an "Animas - La Plata" project. There is no feature under the preferred alternative which would be placed in the La Plata drainage. What we have is an Indian water rights settlement. It is with considerable disappointment that I recommend that the preferred alternative, Number 4, become the Secretary of the Interior's final decision.

The Southern Ute and the Ute Mountain Ute tribes have indicated that they would accept as settlement of their 1868 reserved water rights the water which could be stored for them if Alternative 4 is built. This would mean that my ranching neighbors and I would not lose the small amount of La Plata River water we now are using through court action by the tribes. Also, the Durango community, which I have served as a member of the school board and a director of La Plata Electric Association, would have an assured supply of water in dry years. Too many here tonight do not seem to realize that the water rights exercised by the City are junior to the Indians' reserved water rights, and all of Durango could be left high and dry in a prolonged drought.

People who have opposed building the off-stream reservoir have suggested a resolution

IN61-1 Your letter demonstrates an in-depth understanding of the uncertainties associated with the purchase of water rights under Refined Alternative 6. Much of what you have stated has been presented in Volume 2, Attachment D, Water Rights Consideration and Constraints, of the FSEIS.

## INDIVIDUALS

IN61

of the Indians' reserved water rights that would give the tribes a large amount of money to buy land and water. They say to tell the tribes to go out and buy land and attendant water rights equal to their reserved water rights. These purchases would be from willing sellers. The EIS points out that IF they could find willing sellers, and that IF they bought water equal in amount to their entitlement, they would still have great problems.

Colorado water law provides that the water purchased would be the same rights the seller had. This means if the water right bought had a priority date of 1941, this right would be junior to all non-Indian water rights with earlier priority dates. It means that if the water is irrigation water, the Indians could take the water off the land to use for municipal purposes only after going through water court. Any other water user who believes he would be harmed by removing the water from the land where it had been historically used can intervene with the court. Interestingly, if the water were removed from the lands under Alternative 6, the loss of wetlands would make this Alternative far more detrimental to the environment than Alternative 4.

Why would anyone with an ounce of common sense agree to settle an 1868 water right for water having a priority date junior to most of the consumptive use rights on the river? Especially when every time the Tribe would try to convert all or some of the water to another use, <sup>it would be</sup> it is involved in lengthy litigation? I can assure you that my Ute friends are not gullible. Time and time again, the two tribes have said that a process like Alternative 6 is unacceptable to them.

Please move ahead with Alternative 4 as rapidly as possible.

INDIVIDUALS

IN62

From: Doug Isely <disely@shiprock.ncc.cc.nm.us>  
To: <www\_comments@borworld.usbr.gov>  
Date: Thu, Apr 13, 2000 9:32 AM  
Subject: Comments to Reclamation

-----  
From Doug Isely (disely@shiprock.ncc.cc.nm.us) on Thursday, April 13, 2000 at 09:34:29

1

message: Regarding the Animas La Plata Project: 1. The Animas River should maintain a sufficient flow for the wildlife and trees along and in the river. 2. The Native American water rights should be met and could be met without the A-LP. 3. If the threat of Tamarisk or Salt Cedar, could be met in a timely and effective manner by the citizens and the governments, we all would have a lot more water.

IN62-1 Comment noted.

CPI

Chris and Patty Isensee  
Box 3686 ~ Durango, Colorado 81302 ~ USA  
Home Phone 970/385.7200 ~ Email cpi@frontier.net

April 16, 2000

Pat Schumacher  
Bureau of Reclamation  
855 E. 2<sup>nd</sup> Avenue  
Durango, CO 81301

Dear Mr. Schumacher:

Please accept our comments on the Draft Supplement Environmental Impact Statement for the Animas-La Plata Project.

The Colorado Ute Indian Water Rights Final Settlement Agreement of 1986 does not exempt the Animas-La Plata Project from any federal or state law, including the Clean Water Act and the Water Supply Act. The DSEIS fails the legal requirements in the following ways:

1. The report lacks a cost-benefit analysis. Since the federal taxpayer will bear the entire cost of the Project until the water is actually used (probably years in the future), the taxpayer's representatives should be aware of the following issues.
  - a. The striking cost inefficiency of this project- the reason it wasn't built years ago.
  - b. The Bureau has presented only the financial costs of an incomplete project; additional costs for delivery systems will be added later. In order for the Bureau's numbers to have any meaning at all the Bureau must recommend deauthorization of any additional cost component.
  - c. The federal taxpayer will be subsidizing local municipal water development.
  - d. The economic cost of the project, apart from the construction and operating costs and not including the cost of damage to the environment, is in excess of 300 million dollars. (In the absence of a cost-benefit analysis by the Bureau, I refer you to the cost-benefit analysis of Professor Dale Lehman, submitted to you by letter dated February 15, 2000).
  - e. The as yet unappraised effect on the local tourist economy that will be the result of the negative environmental and aesthetic impact of a coal fired power plant just south of Durango.
  - f. The Bureau's position that the settlement of Ute water rights issues supersedes any consideration of cost is invalid. It is invalid because there is a nonstructural alternative to building a dam, with much less environmental damage and very much less economic loss.
2. The Bureau has failed to identify a purpose and need for the project's water, as defined in the Federal Register Notice of January 4, 1999. The Bureau attempts to circumvent this problem by creating imaginary future water uses. The Bureau sees the majority of the project water as going to:
  - a. A coal fired power plant that is bound to have a profound negative environmental impact.
  - b. Projects that are water wasteful, such as golf courses in the desert. The mere delivery of water to one of these would be a technical and economic challenge of enormous size.
  - c. Excessive allocations to local municipalities. For the city of Durango to use all the water allocated to it, its population would have to quintuple. Meanwhile, the city is pursuing an alternate, less expensive source of water for its future growth.

IN63-1 Reclamation's position on the appropriateness of a benefit-cost analysis for the ALP Project is provided in General Comment No. 1.

IN63-2 Comment noted. The distribution of water discussed in Section 2.1 of the FSEIS includes both the existing allocations under the Settlement Act and proposed allocations. Reclamation is aware that legislation is under consideration in Congress that could amend the Settlement Act. The environmental impacts discussed for future water uses were intended to comply with NEPA and provide, to the extent possible, information on potential future uses. If and when any of these future water uses is implemented, it will be subject to NEPA review, tiering off the ALP FSEIS. Refer to General Comment No. 6.

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The DSEIS understates the negative environmental impact of the project. Two of several examples are listed below.

1. There is no mention of the environmental impact of the coal-fired power plant. This plant is the major given purpose and need for the project's water, and consequently becomes an integral part of the project. This plant is proposed at a time when the Southern Ute Tribe and the State of Colorado have expressed mutual alarm over the declining air quality on the Reservation. This plant will add to the two notable polluters we already have. For the FSEIS to qualify as a true impact statement, it must include an environmental assessment of this proposed plant.
3. The DSEIS gives the impression that only a portion of the Bodo State Wildlife Area will be affected, but common sense and experience suggest otherwise. The construction and later human intrusion will severely impact the entire preserve. "Mitigation" by purchase of potential habitat elsewhere will mean nothing to the displaced deer and elk. The golden eagles, as they leave, will not realize they were to be "protected" by a ¼ mile buffer zone.

The Bureau has overemphasized the recreational value of the ALP reservoir, just as the Bureau overreports the use of McPhee reservoir (see Forest Service use records). The ALP reservoir will attempt to compete with seven much more scenic, well established reservoirs, all within an hour's drive of Durango.

The Bureau's selection of Alternative 4, despite huge legal, economic and environmental obstacles, comes as no surprise; this is what the politicians and people of influence want. It certainly appears to us that this period of public comment is no more than window dressing for decisions already made.

Sincerely yours,



Christopher H. Isensee



Patricia W. Isensee

IN63-3 See response to Comment IN 113-2.

IN63-4 Chapters 3 and 5 of the FSEIS provide details on the projected impacts and mitigation associated with the resources in the Ridges Basin area.

IN63-5 Even though Ridges Basin Reservoir may compete for visitors with other reservoirs within the regional area, it is doubtful that overall visitation at other reservoirs will decrease. Reclamation believes that the visitation estimates for the proposed Ridges Basin Reservoir are viable because the estimates are supported by independent studies that show that there is an increased demand for flat water recreation opportunities, both nationwide and within the State of Colorado. As discussed in Section 3.11 under Project Area Reservoir Recreation, Reclamation used visitation estimates at Ridgeway Reservoir to help predict visitation at the proposed Ridges Basin Reservoir. Because both reservoirs would have similar characteristics, Reclamation believes that Ridges Basin Reservoir will have comparable visitation use figures.



# INDIVIDUALS

IN64

NANCY C. JACQUES  
2517 Delwood Avenue  
Durango, CO 81301  
Njacques@frontier.net (970) 247-4233

February 24, 2000  
Mr. Pat Schumacher  
Bureau of Reclamation  
PO Box 640  
Durango, CO 81301  
Ref: Comments – ALP Project DEIS

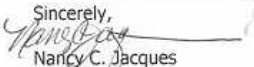
Dear Mr. Schumacher:

1 | It is my opinion that the only viable alternative at this time is Alternative Ten, "No Action." There are too many laws being bent and broken in the attempt to build a project that, from its design inception, has been flawed. Hooking this development project on to "Indian Water Rights" remains legally questionable despite the recent solicitor's opinion on this subject. And, how the question of satisfying Indian water rights is being used to railroad through this project reveals questionable professional ethics that citizens will take to task as this process continues.

2 | The following are just a few of the inaccurate or unlawful aspects of the DEIS.  
3 | • It is unlawful to take public funds to build a dam without stating a beneficial use for the water. This contradicts the Colorado Compact thus being against Federal Laws. It is against Colorado State Law. There can be no water speculation.  
4 | • Where is the cost/benefit analysis? Where is the economic analysis of this project? A cost/benefit analysis would reveal the stupidity of this plan. Though an economics study is not required by law, it has become a standard in this age of budget reductions.  
• There is no mention of the water the Utes control on the Pine River, but do not use.  
• There is no mention that the Utes already have control of at least 120,000 acre-feet of water.

5 | According to the Secretary of Interior's own words, this is an age of dam de-commissioning, not building. There are too many questions left unanswered, too many viable alternatives being ignored. Honesty and openness have been lacking throughout this NEPA process, which I thought was specifically designed to stop the practice of private meetings and backroom deal cutting. In addition, during this process, the public has received abusive treatment pursuant to FOIA, which we will not ignore. Thus, the project AND the process need to be brought into the light for scrutiny. The legitimate rights of not only the Utes but those of the Navajo and other Indian tribes should not be couched in affairs such as these. Legitimate rights will not go away. "No Action" brings issues to the table honestly.

Sincerely,

  
Nancy C. Jacques

C:C:  
President William J. Clinton  
Secretary of the Interior Bruce Babbitt  
Commissioner Euclid Martinez  
Honorable George Miller  
Mr. George Frampton, Council on Environmental Quality

IN64-1 Comments noted. The discussion of the No Action Alternative has been expanded in the FSEIS. However, there are several serious shortcomings to this alternative with regard to implementation of the Settlement Act.

IN64-2 Refer to General Comment No. 7 for a discussion of Colorado Water Law and Colorado compact consideration.

IN64-3 Refer to General Comment No. 1 for a discussion of the need for a benefit-cost analysis.

IN64-4 The water rights that the Southern Ute Indian Tribe have on the Pine River were settled by a federal court decree in 1930. The water rights claims being settled under the ALP Project are in addition to the 1930 decreed rights. The total water rights for the two Tribes are based on a U.S. Department of Justice water rights claim that would require water in excess of what was decreed in 1930 on the Pine River for the Southern Ute Indian Tribe.

IN64-5 Comment noted.

# INDIVIDUALS

IN65

Dan Johnson  
1759 Bear Creek Rd., Bayfield, CO 81122

Mr. Pat Schumacher  
Bureau of Reclamation  
835 E. Second Ave. Ste 300  
Durango, CO 81301-5475

Dear Mr. Schumacher,

I am submitting the following letter on the ALP DSEIS as an addendum to the oral comments I presented at the public hearing at the Doubletree Inn in Durango. I would like to believe that my comments will be seriously considered (Hopefully Read), but after participating in this process for most of my adult life, I have my doubts.

First I would like to state that I am opposed to the proposed structural alternative that is the preferred alternative of the Bureau. I believe we should settle the Ute's water claims, but not through the construction of a reservoir in Ridges Basin. It would make more economical and environmental sense to financially reimburse the Utes then to spend an estimated \$330 million to construct the structural alternative. I believe the DSEIS to be extremely biased in favor of the reservoir. The following are some specific issues I would like to address:

- Water is stated to be such a critical resource yet the projected uses of this water include mining coal, supplying a power plant, and watering golf courses. We already have two of the worst polluting power plants in the country across the state line and I doubt the people of SW Colorado would allow another one. Furthermore, this power plant has not been approved and probably never would be when taking into account current environmental law. So, I question what the water will be used for, if the number one use of the Ute's water (27,000 afy for the power plant) will never happen.
- What sense does it make to pump water uphill using enormous amounts of electricity to generate more electricity to pump more water up hill. Huh? And then irrigate non-native water loving grasses for a golf course in the semi-desert. At least previous ALP alternatives provided water to farmers for food.
- If the construction of a reservoir is necessary for the power plants, golf courses, subdivisions, etc. then a more thorough EIS must be conducted to analyze these developments because they are a direct result or impact of the structural alternative. Such an analysis is required by NEPA. The current DSEIS provides very insufficient analysis of these impacts. Such an analysis should include projected impacts on human communities, air and water quality, wildlife habitat, etc.
- Once again water is stated to be critical, yet there is not a word about conservation in the DSEIS (This would include water conserving measures and technology in LaPlata County). In fact, its just the opposite, as mentioned above the water will be wasted.
- Very little analysis of the social and economic impacts upon the people of LaPlata County. This should include impacts upon the rafting industry and an overall impact upon the quality of life in this area. The quality of life would be impacted by noise levels from the pumping plant, the destruction of the natural beauty of Ridges Basin (This includes the aesthetic value of wildlife), air quality (power plant and general construction), and an increase in growth and development, which is already a problem in our area.
- Wildlife will be significantly displaced by both the reservoir and the associated developments. Once again the impacts of the associated developments (ie. golf courses, power plants, etc.) have not been analyzed. Furthermore, the displacement of elk from Ridges Basin will have an impact upon the quality of hunting in SW Colorado. This is because Ridges Basin provides

IN65-1 Comment noted.

IN65-2 The range of future water uses included in the FSEIS was intended to provide general information on how the Colorado Ute Tribes may elect to use their project water in the future. While these uses were developed in consultation with the Tribes, ultimately the decision to implement some, all, or none of the uses, will be the Tribes' decision. However, any future implementation will be subject to NEPA compliance at that time. A list of actions which would "trigger" NEPA is included in Section 2.1.1. Refer to General Comment No. 6. for a discussion of future water uses

IN65-3 Refer to General Comment No. 3 for a discussion of the rationale for pumping water.

IN65-4 Refer to response to Comment IN84-2.

IN65-5 Water conservation measures discussed in the DSEIS focused on agricultural conservation through eliminating leaking irrigation ditches, converting from flood to sprinkler irrigation, etc. A section on water conservation from domestic and M&I measures has been included in Section 2.4.1 of the FSEIS. Refined Alternative 6 addresses utilization of water from other projects and demonstrates the possibility of meeting a portion of the water demands identified. The primary sources of water from existing facilities come from the Navajo and Lemon Reservoirs. Other facilities, such as Vallecito, suffer substantial water shortage in dry years, and therefore, have little additional supply. In fact, even employing water conservation measures in these facilities yielded very little water due to the dry year shortages. Water conservation measures do not always yield additional water. They reduce diversion demand but typically do not produce more water in a river basin. For example, lining canals, using low water use plumbing facilities and better controlling irrigation runoff only affect the diverted volumes of water and reduce storage requirements. The net depletion to the river does not change from employing these features and no net water is provided, especially when the controlling environmental conditions exist downstream in the San Juan River where the conservation measures have little effect. For these reasons, conservation does not yield sufficient water to meet the demands of the project.

IN65-6 The FSEIS includes an analysis of growth and other impacts on the social fabric of the community. Refer to Section 3.12.3 for a related discussion. Also refer to General Comment No. 12 for a discussion of growth issues.

IN65-7 Refer to General Comment No. 11 for a discussion of the impacts to wildlife habitat and the elk herd at Bodo.

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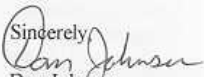
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critical winter range.

- I have yet to see legal documentation of how much water the Utes are entitled to, and how much they already receiving. You have to take into consideration how much water they are getting in order to determine how much they should receive.
- The Animas is the last large free flowing river in SW Colorado. Can't we leave at least one river alone?
- This area is my home, I don't want to see it further destroyed by development.
- Please make this letter public record because I want future generations to know that we tried to stop this boon-doggle project.

Sincerely,  
  
Dan Johnson  
970-884-4384

IN65-8 Refer to General Comment No. 14 for a discussion of the water rights claims of the Colorado Ute Tribes.

IN65-9 Refer to General Comment No. 15.

IN65-10 Comments noted.



## INDIVIDUALS

IN66

Judy Johnson  
313 Taylor Dr.  
Farmington, NM 87401  
505-327-3446

March 23, 2000

Pat Schumacher  
Bureau of Reclamation  
835 E. 2<sup>nd</sup> Ave  
Durango, CO 81301

Attention: A-LP Comment

Dear Mr. Schumacher:

In this period when major water projects are being questioned, I am perplexed that the Clinton Administration represented by Bruce Babbitt and the Department of the Interior would be supporting the Animas-La Plata project as it is presented in this latest DSEIS. It was my hope that the Environmental President and his administration would have questioned the building of a project that benefits the few, at the expense of the environment and the general quality of life for the majority.

There are many issues that one could challenge in this proposal; I would like to highlight the size of the project in relationship to the purposes of the project.

The question of meeting Ute Indian water obligations was never an reason for building in the original Animas – La Plata Project when it was proposed over 30 years ago. But with declining support for the project, proponents needed an issue that would sell this project. It was only then that the issue of meeting Ute obligations became the reason for building the reservoir.

The amount of water due the Ute Mountain Ute Tribes and the Southern Ute Tribes is under question and needs to be addressed and settled in a court of law. If the courts determine that the Ute Tribes are due water, the Federal government should fulfill those obligations in a true and fair manner. If tribes are owed water that can only be met through impounding water, the reservoir should be kept to the size needed to meet the obligation. The Federal government should not be building a project that supplies Municipal and Industrial Water at Federal taxpayer expense to the municipalities located along the river. The Federal government should not be subsidizing the golf courses, recreational lakes, and building developers by providing low cost water.

As a New Mexico citizen I strongly urge my congressional representatives and the San Juan Water Commission to withdraw its support from ALP. The basic premises of this project are flawed. New Mexico water should be stored in New Mexico, not lost to evaporation in a low shallow reservoir in Colorado. Many unanswered questions in the

IN66-1 Refer to General Comment No. 14 for a discussion of the water rights issues.

IN66-2 Comment noted.

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DSEIS concerning storing and delivering New Mexico’s water, and New Mexico repayment obligations, and operating and maintenance obligations would be resolved by storing the state’s water in the state.

The BOR must show a need for the Municipal and Industrial projects and has failed to do so. To pump the water up to Ridges Basin, let it evaporate, let the few who can afford, jet ski around, and then release water back down the hill is beyond reasonable.

Sincerely,

  
Judy Johnson

IN66-3 Refer to General comment No. 12 for a discussion of regional demands for M&I water.